

Schwartz, Hanna, Olsen, & Taus P.C.  
51 Cragwood Road, Suite 102  
South Plainfield, NJ 07080  
Phone: (908)322-2333  
Fax: (732)205-1868  
Counsel: Christopher G. Olsen, Esq. (#036701999)  
Attorney moving to be relieved as counsel for  
Defendant, Ford F. Graham

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UNITED STATES OF AMERICA

v.

FORD F. GRAHAM

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: UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

:

: Mag. No. 21-6014 (DEA)

:

: NOTICE OF MOTION AND PROOF  
: OF SERVICE FOR MOTION TO  
BE RELIEVED AS COUNSEL

TO: Ford Graham – Personal Identifier Redacted

Assistant U.S. Attorney Brendan Day  
Attorney for United States  
(served via PACER)

PLEASE TAKE NOTICE that the undersigned, attorneys for Defendant, Ford F. Graham will move before the United States District Court, For the District of New Jersey, on \_\_\_\_\_, 2023, for an Order granting the defense counsel's motion to be relieved as counsel.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Defense counsel will rely on the accompanying Certification of defense counsel. A proposed form of order is submitted herewith.

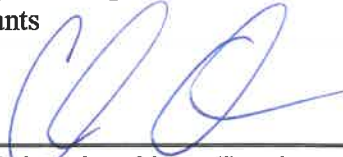
PLEASE TAKE FURTHER NOTICE that defense counsel DOES NOT REQUEST oral argument unless opposition is filed.

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DATED: February 13, 2023

SCHWARTZ, HANNA, OLSEN & TAUS, P.C.  
Attorneys moving to be relieved as counsel for  
Defendants

BY:

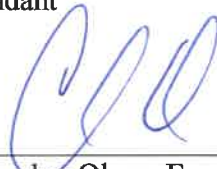
  
\_\_\_\_\_  
Christopher Olsen, Esquire

**CERTIFICATION FOR PROOF OF SERVICE**

The undersigned hereby certifies that on this date the original of the within Notice of Motion, Supporting Certification of Christopher Olsen, Esq., and proposed form of Order were forwarded via Pacer and filed with the United States District Court, District of New Jersey; a copy of each such document was served upon the United States Attorney's Office via Assistant U.S. Attorney Brendan Day through Pacer; and a copy was served upon the Defendant by regular mail, certified mail, and email listed above.

DATED: February 13, 2023

SCHWARTZ, HANNA, OLSEN & TAUS, P.C.  
Attorneys moving to be relieved as counsel for  
Defendant

  
\_\_\_\_\_  
Christopher Olsen, Esquire

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UNITED STATES OF AMERICA	:	UNITED STATES DISTRICT COURT
	:	DISTRICT OF NEW JERSEY
v.	:	
	:	Mag. No. 21-6014 (DEA)
FORD F. GRAHAM	:	CERTIFICATION IN SUPPORT OF
	:	MOTION TO BE RELIEVED
	:	AS COUNSEL

Christopher G. Olsen, Esquire being of full age, hereby certifies:

1. I am an attorney at law in the State of New Jersey and licensed in New Jersey District Court. I represent the defendant, Ford F. Graham in the above-referenced matter. I am familiar with this case, and I make this certification in support of my motion to be relieved as counsel.
2. Ford Graham retained me to represent him in this matter, but a conflict of interest between Ford Graham and my firm now makes it impossible for me to continue representing him.
3. I recently became aware that Mr. Graham filed a certification in Bankruptcy Court casting our firm in a negative light including the potential for a legal malpractice claim. We dispute the accusations made by Mr. Graham. However, the position that Mr. Graham has taken places my firm in an adversarial position.
4. R.P.C. 1.7 does not allow attorneys to represent clients with whom they have an adversarial position, as the adversarial position will affect the very foundation of the attorney-client relationship.
5. This motion is being made pursuant to R.P.C. 1.16(b)(4) and (5). The client's conduct in

filing the certification not only creates a conflict of interest which would violate R.P.C. 1.7 if my firm continued representation, but it forms a basis under R.P.C. 1.16(b)(4), as the client's conduct has rendered it unreasonably difficult for my firm to provide effective representation.

6. In addition, this application is being filed under R.P.C. 1.16(b)(5) as Mr. Graham has not paid my firm's legal fees for work that has occurred over the last year, and the outstanding balance now exceeds \$15,000.00. Failure to pay legal fees for such a long period of time constitutes a material breach of the agreement for services that Mr. Graham entered when he hired my firm.
7. There are no pending court dates at this time and an Order of Continuance was just entered that runs through April 30, 2023.
8. For the above referenced reasons, I respectfully request that the Court relieve my firm as counsel in this matter.
9. Please see the attached Notice of Motion and Proof of Service which demonstrates that I have complied with the requirements of R.P.C. 1.16(d). The email address and home address have been confirmed to be up to date, as Mr. Graham has responded to emails from my firm within the last month and no mail sent in the last few months have been returned.
10. If this motion is granted, Mr. Graham will be informed of his obligation to notify the court of any new counsel or change of address, as noted in the proposed Order to this motion.

11. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED: February 13, 2023

SCHWARTZ, HANNA, OLSEN & TAUS, P.C.  
Attorneys moving to be relieved as counsel for  
Defendant

BY: 

Christopher G. Olsen, Esquire

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UNITED STATES OF AMERICA	:	<b>UNITED STATES DISTRICT COURT</b>
	:	<b>DISTRICT OF NEW JERSEY</b>
	:	
v.	:	
	:	
FORD F. GRAHAM	:	<b>Mag. No. 21-6014 (DEA)</b>
	:	
	:	<b>ORDER GRANTING</b>
	:	<b>MOTION TO BE RELIEVED AS</b>
	:	<b>COUNSEL</b>
	:	

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This matter being opened to the Court by Schwartz, Hanna, Olsen & Taus, P.C., attorneys for the defendant, Ford F. Graham, and it appearing to the Court that good and sufficient reason exists for the relief requested, and for good cause shown,

IT IS, THEREFORE, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

ORDERED, as follows:

That defense counsel's Motion to be relieved as counsel is GRANTED; and it is further

ORDERED that the defendant is given thirty (30) days to hire new counsel. If defendant fails to hire new counsel within thirty (30) days, defendant shall immediately make application with the Federal Public Defenders Office; and it is further

ORDERED that the defendant is required to provide the court and pre-trial services with any change of address whether or not they hire new counsel and continue to follow all pre-trial release conditions as previously Ordered by the Court ; and it is further

ORDERED a copy of this Order shall be provided to all interested parties and their counsel if any within seven (7) days of receipt of same.

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Hon. Douglas E. Arpert  
United States Magistrate Judge

\_\_\_ OPPOSED

\_\_\_ UNOPPOSED